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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,220	10/17/2001	Selwayan Saini	214468US2XPCT	2173

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1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

MERLINO, AMANDA H

ART UNIT	PAPER NUMBER
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2877

DATE MAILED: 03/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/926,220

Applicant(s)

SAINI ET AL.

Examiner

Amanda H Merlino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7 and 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Information Disclosure Statement

The information disclosure statement filed 9/26/2001 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. Applicant merely requests consideration of documents in the international search report without listing the documents in a 1449. However, it appears that applicant submitted an IDS on 1/25/2002 which was proper and contained all the same references as above. The IDS submitted on 1/25/2002 has been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5-10, and 12-17 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Luukkala et al (EP 0 282 009 A2).

Luukkala et al teach of a fiber optic detector for detecting presence of a liquid (16) according to figure 1 comprising a radiation input means connected to a radiation source, a radiation output means connected to a radiation detector, and a processor (11) for analyzing the output data received from the liquid. Furthermore, Luukkala et al teach of the presence of hydrophobic liquid (column 6) in the sensing location and waveguide means for connecting the source and detection to the radiation input means and the radiation output means.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4, 11, and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Luukkala et al (EP 0 282 009 A2).

Luukkala et al teach of a fiber optic detector for detecting presence of a liquid (16) according to figure 1 comprising a radiation input means connected to a radiation source, a radiation output means connected to a radiation detector, and a processor (11) for analyzing the output data received from the liquid. Furthermore, Luukkala et al teach of the presence of hydrophobic liquid (column 6) in the sensing location and waveguide means for connecting the source and detection to the radiation input means and the radiation output means.

Luukkala et al lacks the teaching of the hydrophobic liquid being fluorocarbon or polyvinylidene fluoride or the use of plurality of light sources/detectors.

With regards to the hydrophobic liquid being fluorocarbon or polyvinylidene fluoride, Official Notice is taken that the use of fluorocarbon or polyvinylidene fluoride as hydrophobic liquid is old and well known in the art. See In Re Malcolm 1942C.D.589:543 O.G.440. Since it is well known in the art that fluorocarbon and polyvinylidene fluoride can be used as hydrophobic liquid, one of ordinary skill in the

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art would have found it obvious to use one or the other as a hydrophobic liquid in the fiber optic detector taught by Luukkala et al.

With regards to the use of plurality of sensors, Official Notice is taken that the use of plurality of sensors is old and well known in the art. See In Re Malcolm 1942C.D.589:543 O.G.440. At the time of the invention, it would have been obvious to one of ordinary skill in the art to use a plurality of sensors to take measurements at different locations and/or different kinds of measurements to provide a more accurate and versatile apparatus.

Conclusion

Papers related to the application may be submitted to Group 2800 by Fax transmission. Papers should be faxed to Group 2800 via the PTO Fax Machine located in Crystal Plaza 4. The form of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Machine number is:

▲ **703-308-7722**

If the applicant wishes to send a Fax dealing with a Proposed Amendment for discussion for a phone interview then the fax should:

- 1) Contain either the statement "DRAFT" or "PROPOSED AMENDMENT" on the Fax Cover Sheet; and
- 2) Should be unsigned by the attorney or agent.

This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Examiner Amanda H. Merlino* whose telephone number is (703) 305-3488. The examiner can be reached on Mondays and Thursdays only.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-0956.

Amanda H. Merlino *ah*

Patent Examiner

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March 17, 2003/ahm

FRANK G. FONT

FRANK G. FONT
SUPERVISORY PATENT
EXAMINER